

## INSPECTIONS AND APPEALS DEPARTMENT[481]

### Notice of Intended Action

#### **Proposing rulemaking related to continuing education for massage therapists and providing an opportunity for public comment**

The Department of Inspections, Appeals, and Licensing hereby proposes to amend Chapter 823 “Continuing Education for Massage Therapists,” Iowa Administrative Code.

#### *Legal Authority for Rulemaking*

This rulemaking is proposed under the authority provided in Iowa Code chapters 152C and 272C.

#### *State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code chapters 152C and 272C.

#### *Purpose and Summary*

This proposed rulemaking implements Iowa Code chapter 152C and section 272C.2 as amended by 2024 Iowa Acts, House File 2686. Chapter 823 sets forth continuing education and training requirements for massage therapists. The intended benefit of this chapter is to ensure that licensees maintain up-to-date practice standards and, as a result, provide high-quality services to Iowans. The Board of Massage Therapy reviewed the continuing education requirements in the fall of 2023 pursuant to Executive Order 10. Subrule 823.2(4) is proposed to be amended to comply with the statutory changes from 2024 Iowa Acts, House File 2686, allowing a licensee to carry over up to 50 percent of excess completed continuing education hours from the previous renewal cycle. This rulemaking would grant massage therapists the ability to carry over up to 8 hours of continuing education earned in excess of the 16 hours required every two years.

#### *Regulatory Analysis*

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 30, 2024. A public hearing was held on the following date(s):

- November 20, 2024

There were no public comments received with regard to this chapter, and no changes were made as a result.

#### *Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rulemaking, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

#### *Public Comment*

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on January 29, 2025. Comments should be directed to:

Jessica O'Brien  
Iowa Department of Inspections, Appeals and Licensing  
6200 Park Avenue, Suite 100  
Des Moines, Iowa 50321  
Phone: 515.281.6352  
Fax: 515.281.7969  
Email: [jessica.o'brien@dia.iowa.gov](mailto:jessica.o'brien@dia.iowa.gov)

### *Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rulemaking may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Amend subrule 823.2(4) as follows:

**823.2(4)** ~~No hours of continuing education will be carried over into the next renewal period.~~ Licensees who complete continuing education hours in excess of the requirements for renewal may apply up to 50 percent of the required hours to the following renewal period. Licensees may apply a maximum of eight hours from the previous renewal period. A licensee whose license was reactivated during the current renewal compliance period may use continuing education earned during the compliance period for the first renewal following reactivation.